

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAMONA SHELLEY,

Plaintiff,

v.

**ETHICON, INC.; and JOHNSON &
JOHNSON,**

Defendants.

CIVIL ACTION

NO. 12-6862

ORDER

AND NOW, this 9th day of July, 2013, upon consideration of Defendants Ethicon, Inc. and Johnson & Johnson's Motion to Dismiss or in the Alternative for Partial Summary Judgment (Document No. 6, filed February 19, 2013), and Plaintiff's Answer to Defendant Ethicon, Inc. and Johnson and Johnson's Motion to Dismiss, or in the Alternative, for Partial Summary Judgment (Document No. 8, filed March 18, 2013), for the reasons set forth in the Memorandum dated July 9, 2013, **IT IS ORDERED** as follows:

1. That part of defendants' Motion which seeks dismissal of all claims against Johnson & Johnson is **DENIED**.

2. That part of defendants' Motion which seeks dismissal of Counts II and III of the Complaint is **GRANTED WITH PREJUDICE**.

3. That part of defendants' Motion which seeks dismissal of Count V of the Complaint is **GRANTED WITHOUT PREJUDICE** to plaintiff's right to file and serve, within fourteen (14) days, an amended complaint consistent with the Memorandum dated July 9, 2013 if warranted by the facts.

4. That part of defendants' Motion which seeks dismissal of Counts IV and VII of the Complaint is **DENIED**.

IT IS FURTHER ORDERED that a preliminary pretrial conference will be scheduled in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.